

DEPARTMENT OF STATE

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RELEASE DENIED ☐

Basic Information Required by the State Department in Connection with Application of German Scientists for Visas to Enter the United States.

I.

General Requirements

A. Law and Regulations.

The requirements which any applicant for a visa to be issued by a consular officer, whether for immigration or for non-immigrant entry, must meet are set forth in the immigration laws and regulations issued thereunder. No visa can be issued to any person who does not comply with the statutes and regulations governing the issuance of visas under the laws imposed by Congress. A statutory duty is placed upon the consular officers to satisfy themselves that the applicant meets all the requirements of the law, and neither the consular officers nor the State Department can waive or vary the law or regulations as therein provided. Apart from the immigration laws as a whole, specific reference is made, for the guidance of the JIOA, to the regulations on the "Control of Persons Entering and Leaving the United States

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Pursuant to the Act of May 22, 1918, as amended,¹ and to 8 USC 202, 223, 228. A copy of the regulations is attached hereto.

These requirements must be met with respect to each individual applicant submitted under the program provided by the Joint Chiefs of Staff papers covering the exploitation of German and Austrian scientists and technicians in the United States, JCS 1363/19.

B. Additional Information Needed.

The Air Forces, in contemplation of an appearance as sponsoring agency, has informally submitted available information on ten German scientists now in the United States under military jurisdiction, with a view to facilitating the setting up of a detailed procedure for effecting the immigration of these persons. From the information made available in this way in these ten cases and such information as the Department has available from other sources, it appears likely that before the Department will be in a position to pass on any individual case coming under the program, additional information will be necessary. It would be desirable, in the interests of facilitating the program, that the sponsoring agencies obtain this information with the utmost dispatch. This additional information is likely to be necessary before final consideration can be given with

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respect to whether any particular case meets the requirements of law and regulations cited above.

C. Preliminary Considerations.

Preliminarily, the following points should be borne in mind:

1. The items referred to below are those which are made relevant by virtue in part of the facts contained in the ten dossiers submitted by the Air Forces. Should the individuals involved in other submissions raise other questions of general interest, they, too, would have to be explored.

2. Should the Gossett bill pass Congress, as seems likely, additional prohibitions may be placed on immigration which may categorically prevent a number of applicants from obtaining visas.

3. Whether the entry of German scientists and technicians would be "prejudicial to the interests of the United States" (one of the standards provided by law and regulation) must depend on the character of the research and other scientific and technical activity in which the immigrant will engage in the United States. For this reason, consideration by the sponsoring agencies to the problem of types of activities and research to which proposed immigrants will be devoted in the United States is a relevant consideration.

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4. It is assumed that the applicants to be sponsored will be persons already in the United States under military jurisdiction and, therefore, subject to interrogation and surveillance here and that no applicants will be submitted hereafter unless they have completed at least six months of continuous observation, surveillance and interrogation under military jurisdiction in the United States.

5. The consuls and the State Department must be satisfied, in the case of application for immigrant visas, that the applicant sincerely, and in good faith, desires to enter the United States as an immigrant. The applicant and his sponsors will have to carry conviction, therefore, that the applicant will not maintain such connections or entertain such mental reservations as will be inconsistent with such a purpose. The sponsoring agency must be cautioned, therefore, against permitting the applicant to misrepresent, however innocently, the state of the applicant's mind on this subject. Such connections and mental reservations are also important with respect to the satisfaction of the provisions of law and regulations concerning other forms of alien attachment and subversive purposes in the United States.

II. Specific

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Specific Documents Desired
with Application

The following information should be obtained with respect to each individual applicant:

1. A complete personal history, over the signature of the applicant affixed in the presence of one or more witnesses from the sponsoring agency, including the information in the basic personnel record sheet used by NIS. The following points should be covered in this history as a minimum:

a. A complete record of education and employment and all other pertinent professional data.

b. All Government and quasi governmental connections by employment or otherwise, including but without being limited to participation in projects and enterprises of governmental character, and industrial, scientific and military planning.

c. Membership, at present or heretofore, in technical societies.

d. A full record of affiliation before, during, and since the Hitler regime with or membership in fraternal, political, military and other public and private organizations including but without being limited to National Socialist, patriotic, government-sponsored and similar organizations.

e. Names,

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1. Names, ages and status of those members of the applicant's immediate family for whom visas will also be sought. With respect to each such person a statement should be made over the applicant's signature of the facts called for with respect to the applicant himself.

2. Statement by the applicant of all his existing contractual, pension, employment and re-employment, rights and benefits, option contracts and claims upon him with respect to any employment or other economic participation, and of his patent or similar rights, royalty agreements, and the like, as well as a description of all other property owned by him, and the value thereof.

3. A statement by the individual in his own handwriting of the reasons why he desires immigration, whether he desires to be an American citizen, what connections he expects to maintain with persons, enterprises, institutions or organizations of any character in Germany after his entry in the United States, and the full account of the circumstances under which he determined to apply for immigration. These answers should be entirely voluntary and uninstructed.

4. Accompanying the application, the sponsoring agency should submit the following:

a. A certificate over the signature of the Secretary of the Department in which the sponsoring agency is situated.

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situated, attesting the pre-eminence of the applicant in his particular field, why it would be in the national interest of the United States that the applicant be brought in and that the sponsoring agency knows of no reason which would make the applicant ineligible for entry as requested.

b. Documentary evidence establishing the scientific or technical pre-eminence of the applicant, including scientific investigators' reports, copies of or references to publications of the applicant establishing his reputation, and written estimates of his work and professional standing by United States observers.

c. A copy of the agreement or other arrangements under which the sponsoring agency will bring in the applicant, and a description in specific detail of the projects on which he will be utilized. The statement should say whether the applicant may be exploited at all by any private enterprise or anyone other than the sponsoring agency and, if so, under what conditions. It should also state the length of the proposed employment, the extent of government supervision and control over the work to be done by the applicant, and whether the field of activity is one which is prohibited to be engaged in by the applicant under any circumstances in Germany.

d. The estimated length of time it will require fully

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fully to exploit the applicant's present knowledge in the national interest and why a temporary visa would not be sufficient to satisfy the national interest.

III.

Investigation In the United States

On the basis of the foregoing and having in mind the security standards of the United States, the applicant should be thoroughly interrogated and observed under controlled conditions, and the results of the interrogation and observation should be forwarded in a report to be submitted to the State Department. In this connection the following should be noted:

1. The character and extent of the interrogation and observation is to be determined by the excluding provisions of the regulations "Control of Persons Entering or Leaving the United States" referred to above and the items hereinbefore stated.

2. The Security Subcommittee of the JIOA, it is expected, will agree upon methods of interrogation and observation and upon the selection of appropriate skilled investigators. The State Department necessarily reserves the right to require supplemental investigation, or to rely upon its own investigators at any time.

IV.

Investigation

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Investigation in Germany

A full and complete counter-intelligence investigation in Germany will be essential with respect to all the factors raised above, first, as to the individual, second, as to the organizations and affiliations of the applicant, and third, with respect to his family. In this connection, the following should be observed:

a. The extent of the inquiry must be such as to satisfy consular officers as well as the Department.

b. Investigation of affiliated organizations and individuals will have to be thorough. In this connection, the Department will require reports on such items as the following:

(1) The full past history, present activities and projected activities of such organizations as the Verein Deutsche Ingenieure and the Lillenthal Society, as disclosed by thorough examination of documents and records, and by interrogations and by surveillance.

(2) The existence of arrangements between the applicant and industrial, scientific or other organizations within Germany as to his

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to his future conduct in the United States, or his return to Germany, or the submission of any information to Germany.

- (3) The relation, in any respect, of the applicant to underground, resistance or resurgence movements, whether political, scientific, industrial or economic, and his relation to Pan German as well as to Nazi ideology.

The State Department is prepared to assist in the direction of such general investigations, through personnel in the Department and in the Office of the U.S. Political Adviser in Germany.

V.

Processing

A procedure for the final processing of applications will be evolved between JIOA and the sponsoring agencies on the one hand, and the Visa Division on the other. The Department will, in accordance with the provisions of the SWGCC directive, undertake to facilitate the processing so far as feasible.